

# **SAMPLE Private Sector to DoD ITEP Implementing Organization Agreement**

**INFORMATION TECHNOLOGY EXCHANGE PROGRAM (ITEP)  
AGREEMENT UNDER 5 U.S.C. CHAPTER 37 AND 5 CFR PART 370 AMONG**

XYZ Company  
(Lending Organization)

**AND**

DoD Implementing Organization  
(Engaging Organization)

**AND**

**John Doe, Information Assurance Program Manager, (703) xxx-xxxx**  
(Private Sector Employee's Name, Title and Phone Number)

**Lending Organization Name/Address:**

XYZ Company  
1250 Eisenhower Avenue  
Sterling, VA 23222-2939

**Engaging Organization Name/Address:**

Civilian Personnel Management Service  
1400 Key Blvd.  
Arlington, VA 22209-5144

**Name and Title of Responsible Official:**

Jayne Doe, Chief of Federal Relations

**Name and Title of Responsible Official:**

Tom Smith, Director

**E-mail Address:**

[jdoe@xyz.com](mailto:jdoe@xyz.com)

**Phone:**

(703) xxx-xxxx

**E-mail Address:**

[tsmith@xxxx.osd.mil](mailto:tsmith@xxxx.osd.mil)

**Phone:**

(703) xxx-xxxx

**Detailed position:** Information Technology Specialist (Information Security), GS-2210-13

**Overview of organization:**

**Duties to be performed:**

**Length of detail:**

**Name and Title of ITEP Supervisor:**

Robert C. Smith, Computer Operations Director

Phone: (703) xxx-xxxx

**Reimbursable salary:** \_\_\_\_\_YES \_\_\_\_\_NO

If yes, state the amount of payment to be made under the agreement: \_\_\_\_\_

**Initials:** \_\_\_\_\_ (Private Sector Organization Authorizing Official)  
\_\_\_\_\_ (DoD Implementing Organization Authorizing Official)  
\_\_\_\_\_ (Employee)

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**Return to Industry:** The employee shall return to the lending organization to the former or comparable position.

**Initials:** \_\_\_\_\_ (Private Sector Organization)  
\_\_\_\_\_ (DoD Implementing Organization)  
\_\_\_\_\_ (Employee)

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**Duration:** Employees will be detailed for not less than 3 months or more than 12 months, with extensions in 3-month increments, for a total of not more than 1 additional year.

**Initials:** \_\_\_\_\_ (Private Sector Organization)  
\_\_\_\_\_ (DoD Implementing Organization)  
\_\_\_\_\_ (Employee)

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**Employee performance:** Employee must maintain a satisfactory level of performance to successfully participate in the ITEP experience. An initial performance assessment shall be completed 90 days after the ITEP start date and every 90 days thereafter. Either the Private Sector Organization or the DoD Implementing Organization may recommend withdrawal of an employee whose progress or conduct proves unsatisfactory for the purpose of the program.

**Initials:** \_\_\_\_\_ (Private Sector Organization)  
\_\_\_\_\_ (DoD Implementing Organization)  
\_\_\_\_\_ (Employee)

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**Terms and conditions:** Private Sector Employees serving with DoD on an ITEP detail are bound by federal law regarding various aspects of their professional conduct. The terms and conditions shown here apply. The private sector employee:

1. Does not have any right or expectation for DoD employment solely on the basis of his or her detail.
2. May not have access to trade secrets or any proprietary or nonpublic information which is of commercial value to the private sector organization from which he or she is detailed.
3. Is subject to any existing, new, or amended regulations as prescribed by the President.
4. Is covered by 5 U.S.C. chapter 81, Compensation for Work Injuries, as approved in 5 U.S.C., Section 3704(c).
5. Is an employee of the DoD Implementing Organization for purposes of:
  - a. suitability, security and conduct (5 U.S.C., Chapter 73)
  - b. title 18 sections:
    - 1) 201—Bribery of public officials
    - 2) 203—Compensation for representation

- 3) 205—Representation to the Government
  - 4) 207—Restrictions on former officials/employees
  - 5) 208—Personal financial interest
  - 6) 209—Supplementation of salary of government officials
  - 7) 603—Making political contributions
  - 8) 606—Intimidation to secure political contributions
  - 9) 607—Place of solicitation
  - 10) 643—Accounting for public money
  - 11) 654—Converting property of another
  - 12) 1905—Disclosure of confidential information generally
  - 13) 1913—Lobbying with appropriated money
- c. sections 1343, 1344, and 1349(b) of title 31.
- d. the Federal Tort Claims Act and any other Federal tort liability statute.
- e. the Ethics in Government Act of 1978.
- f. section 1043 of the Internal Revenue Code of 1986
- g. section 27 of the Office of Federal Procurement Policy Act

**Initials:** \_\_\_\_\_ (Private Sector Organization)  
 \_\_\_\_\_ (DoD Implementing Organization)  
 \_\_\_\_\_ (Employee)

**Terminating the agreement:** Any party to this agreement, by prior written notice of not less than 30 calendar days to the other(s) may terminate the agreement, when so doing is in the best interest of the initiating party.

**Initials:** \_\_\_\_\_ (Private Sector Organization)  
 \_\_\_\_\_ (DoD Implementing Organization)  
 \_\_\_\_\_ (Employee)

\_\_\_\_\_  
 Signature Date \_\_\_\_\_ Signature Date \_\_\_\_\_

**DoD IMPLEMENTING  
 AUTHORIZED  
 APPROVING OFFICIAL**

**PRIVATE SECTOR ORGANIZATION  
 AUTHORIZED  
 APPROVING OFFICIAL**

\_\_\_\_\_  
 Signature Date \_\_\_\_\_

**EMPLOYEE**

**Privacy Act Statement**

**Implementing Organizations must include an appropriate Privacy Act Statement on their ITEP Agreement Forms**